



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



**Mayor**  
Wm. Gee Williams, III

**Vice President**  
Elroy Brittingham, Sr.

**Council Members**  
Dean Burrell, Sr.  
Lisa Hall  
Paula Lynch  
Troy Purnell

**Town Attorney**  
David Gaskill

**Town Administrator**  
Laura Allen

**BERLIN, MARYLAND**

**MAYOR AND COUNCIL MEETING**

**MONDAY, OCTOBER 28, 2013**

**COUNCIL CHAMBERS – BERLIN TOWN HALL  
10 WILLIAM STREET  
BERLIN, MD 21811**

EXECUTIVE SESSION.....NONE SCHEDULED

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Laura Allen, Town Administrator at (410) 641-4144. Written materials in alternate formats for persons with disabilities are made available upon request.*

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TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, October 28, 2013**

**NO EXECUTIVE SESSION**

**7:00 PM      REGULAR SESSION – Berlin Town Hall Council Chambers**

1.      Approval of the Minutes for:  
         Regular Session of the Mayor and Council on October 15, 2013  
         Executive Session of the Mayor and Council on October 15, 2013  
         Statement of Closure for Mayor and Council on October 15, 2013
2.      Request for Special Event – Tree Lighting and Arts Night  
         Friday, November 29<sup>th</sup>, 5:30 p.m. to 9:00 p.m.
3.      Request for Special Event – New Year's Eve Ball Drop  
         Tuesday, December 31<sup>st</sup>, 6:00 p.m. to 1:00 a.m.
4.      Pocomoke Floodplain Restoration Presentation – Amy Jacobs
5.      Motion to Approve – Siculi's  
         Request for additional tables & chairs outside establishment
6.      Proclamation 2013-20; November as Municipal Works Month
7.      Public Hearing – Ordinance 2013-07; Amending Chapter 12, Elections
8.      Charter and Code Amendments (Re: Elections)
  - a) Resolution 2013-09; Amending Charter, Article 6-9
  - b) Resolution 2013-10; Amending Charter, Article 3-1
  - c) Resolution 2013-11; Amending Charter, Article 3-4
  - d) Resolution 2013-12; Amending Charter, Article 4-1
  - e) Resolution 2013-13; Amending Charter, Article 6-8
9.      Discussion – Ordinance 2013-06; Parks  
         If acceptable, 1<sup>st</sup> reading to be held November 12<sup>th</sup>, with Public Hearing to be held  
         November 25<sup>th</sup>.
10.     Motion to Approve – Amendment to Contract with URS on Engineering Services  
         and Constructions Phase for Five Mile Branch Spray Irrigation Systems.
11.     Letter of Support  
         Rinnier Development trading as: 9828 Seahawk Road, LLC

12. Departmental Reports
  - a. Finance – Natalie Saleh
  - b. Deputy Town Administrator – Mary Bohlen
  - c. Public Works – Mike Gibbons
  - d. Water Resources – Jane Kreiter
  - e. Electric – Tim Lawrence
  - f. Police – Arnold Downing
  - g. Planning – Dave Engelhart
  - h. Human Resources – Jeff Fleetwood
  - i. Economic and Community Development – Michael Day
13. Town Administrator's Report
14. Comments from the Mayor
15. Comments from the Council
16. Comments from the Public
17. Comments from the Press
18. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Tuesday, October 15, 2013

The meeting of the Mayor and Council for Tuesday, October 15, 2013 was called to order by Mayor Williams at approximately 7:13 p.m. Councilmembers Hall, Lynch, Brittingham and Purnell were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Planning Director Dave Engelhart, Police Chief Arnold Downing, Water Resources Director Jane Kreiter, Public Works Director Mike Gibbons, Human Resources Director Jeff Fleetwood, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Councilmember Burrell was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion for approval of the Regular Session minutes of September 23, 2013. Councilmember Lynch made a motion to approve the minutes of September 23, 2013 and council voted to approve 4-0 with Councilmember Burrell absent.

Mayor Williams stated that it was his honor to present the key to the city to the three (3) Berlin Little League players and coach who had not been able to be in attendance for the presentation that was held at the Fiddler's Convention. The Berlin Little League had won the State of Maryland District 8 U.S. Regional Semifinals. Those players were Jack Rosenberg, Tristan McDonough, Zackery Pletcher and Manager Cameron McDonough. Berlin Little League President Nornie Bunting presented the Mayor and Council with a trophy similar to the one the team had received.

Mr. Chris Carroll, Vice President with Atlantic, Smith, Cropper and Deeley brokers firm came before the council to give a powerpoint presentation on the Affordable Care Act. Mr. Carroll gave an overview as to how the new law will impact the Town and its employees.

Ms. Teresa Fields, Executive Director and Melanie Windsor, Youth Coordinator for Worcester Youth and Family Counseling Services came before the council to give an update on the 2013 summer activities program. Ms. Windsor gave a powerpoint presentation showing the various activities that the youth had participated in over the summer. Ms. Fields announced that she would be leaving WYFCS after 15 years and thanked everyone for their support over the years. Mayor Williams thanked Ms. Fields for her years of service and wished her well in her future endeavor.

Mr. Andrew Hanson, Vice President of Osprey Property Company gave a presentation on the Cannery Village project. Mr. Hanson proposed the construction of a 40 single family home development and associated community center to be located off of Flower Street. He gave a brief history of the past attempts to obtain financing for this project. DHCD requires that the application be submitted by October 31<sup>st</sup> with a resolution of support from the Town. Mr. Hanson was also requesting financial assistance from the town in the form of EDU reduction costs for the first 10 homes and tax credits. He said that this commitment from the Town adds additional leverage in obtaining the funding.

Mayor Williams stated that he felt the Town needed to make a stand to give the Town an opportunity to create affordable housing. Discussion continued and Councilmember Lynch inquired if the resolution could be revised to read that the reduction in the EDU costs for the first 10 homes was a flat amount. Discussion continued on the wording of Paragraph 7. Councilmember Hall made a motion to approve Resolution 2013-14 with the following amendment to paragraph 7; remove the "50%" and amend to read "has agreed to provide a reduction of the water and sewer special connection fees for the first ten EDU's allocated, up to the sum of \$84,000.00" and council voted to approve 4-0 with Councilmember Burrell absent.

Mayor Williams announced a motion to approve the request for a Special Sunday permit for the Boggs Disharoon American Legion Post 123 for Sunday, November 24<sup>th</sup> for their District meeting. Councilmember Brittingham made a motion to approve the request and council voted to approve 4-0 with Councilmember Burrell absent.

Councilmember Hall stated that a resident had been at the meeting earlier to request the closure of Washington Street to traffic on Halloween evening. Chief Downing stated that he had no problems with the request and that Public Works would need to be notified to place barricades at the various locations. Councilmember Hall made a motion to approve the request for the closure of Washington Street to traffic on October 31<sup>st</sup> and council voted to approve 4-0 with Councilmember Burrell absent.

Deputy Town Administrator Mary Bohlen requested approval for the 2<sup>nd</sup> Annual Fun Walk to be held on Saturday, November 9<sup>th</sup> from the hours of 8:30 a.m. to 11:30 a.m. at Stephen Decatur Park. The event is sponsored by the Worcester County Health Department. Councilmember Brittingham made a motion to approve the 2<sup>nd</sup> Annual Fun Walk for November 9, 2013 and council voted to approve 4-0 with Councilmember Burrell absent.

Water Resources Director Jane Kreiter explained the request to amend the contract with URS Engineering for the cost increase of \$14,277.00 to the engineering services for the construction phase of the Five Mile Branch Spray Irrigation System and an extension of time through November 1, 2013. Councilmember Purnell made a motion to approve the amendment of the contract with URS Engineering for the cost increase of \$14,277.00 and time extension through November 1, 2013 associated with the Five Mile Branch Spray Irrigation System and council voted to approve 4-0 with Councilmember Burrell absent.

Ordinance 2013-07 was introduced, an ordinance amending Chapter 12, Elections. The ordinance changes the wording in Section 12-130 (7) from "no longer" to not. Town Attorney Dave Gaskill read the ordinance in its entirety. The public hearing will be held on October 28, 2013.

Ms. Bohlen began her explanation of the next five Resolutions regarding changes for Elections. Changes to Resolutions 2013-10, 2013-11, 2013-12 and 2013-13 would stem from passage of Resolution 2013-09 or require housekeeping items that have been discussed by the Board of Elections since the last election.

Ms. Bohlen explained that Resolution 2013-09 would amend the Town Charter by adjusting the Town Election Day from the second Tuesday in October to the first Tuesday in October to alleviate any issues resulting from the Columbus Day holiday. Section C6-9 B of the would change the wording to reflect which seats fall for election in 2014 and which seats fall for election in 2016 and in Section C6-9 C wording would change to reflect that if only one person has filed for candidacy as Mayor, Councilmember at large or councilmember of a specific district, that person shall be considered the successful candidate and the scheduled Election for that office shall be cancelled.

Resolution 2013-10 adjusts the scheduled expiration date of council member's terms per the day change in Resolution 2013-09.

Resolution 2013-11 changes the meeting date of the council after an election to the next regular scheduled date as opposed to specifying the second Monday.

Resolution 2013-12 changes the swearing in date of the Mayor after an election to the next Monday on which a regularly scheduled meeting is held.

Resolution 2013-13 adjusts the deadline for candidacy filing to 28 days prior to election as opposed to the second Monday in September and establishes a filing deadline for write in candidates. It also addresses the withdrawal of a candidate and inclusion on the ballot.

Councilmember Lynch suggested that the Board of Elections be permitted to review and approve the changes prior to them being submitted for final approval by the council.

Deputy Town Administrator Mary Bohlen introduced the motion to approve the 2014 Mayor and Council meeting schedule and Town Holiday schedule and noted that the dates for the Mayor and Council meeting for July should have been July 14<sup>th</sup> and 28<sup>th</sup>. Councilmember Hall made a motion to approve the 2014 Mayor and Council meeting dates and Town holiday schedule and council voted to approve 4-0 with Councilmember Burrell absent.

Town Administrator Laura Allen asked the Mayor and Council to consider the cancellation of the Mayor and Council meeting on December 23<sup>rd</sup>. Councilmember Purnell made a motion to approve the cancellation of the meeting scheduled for December 23<sup>rd</sup> and council voted to approve 4-0 with Councilmember Burrell absent.

Department Head reports began with Finance Director Natalie Saleh reporting the finance department and Logics were discussing upgrades to the Logics financial software from the old Microsoft version to the new Windows 7 version. She continued that she was preparing for the public hearing with the Public Service Commission to be held in December; that Rondell Wise and Shirley White would be attending a Shore Fraud Conference in Salisbury in November and Geneva Peters and Mr. Wise would be attending a webinar on strategies for the collection of delinquent debt next week.

Deputy Town Administrator Mary Bohlen reported the Flower Bed sponsorship program had resulted in 11 of the 18 flower beds in the parks and throughout town being adopted.

Public Works Director Mike Gibbons reported that the Maple Avenue sidewalks had been completed and paving would begin next week. He continued that the Tripoli Street sidewalk project was currently under stormwater review, that State Highway would begin the next phase of the Main Street sidewalk project at the former Farmer's Market site and that the construction of the submerged gravel wetlands located on Flower Street would begin tomorrow.

Water Resources Director Jane Kreiter reported that her department had been busy cleaning stormdrains and inlets due to the accumulation of leaves from recent rains, final excavations had been completed on the Buckingham and Upshur stormwater ponds and that they were reviewing FEMA maps for floodplain elevations.

Electric Utility Director Tim Lawrence reported that the replacement of 11 utility poles on Burley Street had been completed and that the Town was working with State Highway on the re-location of 3 street lights on North Main Street. Mr. Lawrence also reported that the pole for the wind turbine was scheduled to ship next week.

Police Chief Arnold Downing reported that he would be attending the International Chief of Police conference and that the department would be partnering with Sonrise Church for Harvestfest and the Homes of Berlin for trick or treat safety.

Planning Director Dave Engelhart reported the Planning Commission had approved the final site plan for the Berlin Activities Depot, had issued permits for a new home on Buttercup Court and a subdivision on Flower Street. Mr. Engelhart also spoke that discussions were ongoing regarding the expansion of the Rent-A-Center space located on Old Ocean City Boulevard.

Human Resources Director Jeff Fleetwood reported that the final CPR/AED class would be held on October 24<sup>th</sup> and he was speaking with a representative from the Red Cross regarding individual home Emergency Preparedness.

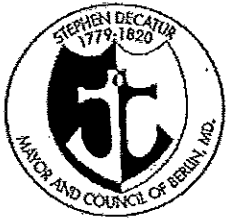
Economic and Community Development Director Michael Day reported that Octoberfest would be held this Saturday and spoke on several meetings he would be attending.

Town Administrator Laura Allen presented 20 purchase orders (201400518, 201401020, 201401051, 201401054, 201401056, 201400990, 201401095, 201401131, 201400991, 201401108, 201401146, 201401003, 201400995, 201400994, 201400259, 201401110, 201401166, 201400146, 201401216 and 201401217 for approval. Councilmember Brittingham made a motion to approve the 20 purchase orders as presented and council voted unanimously to approve 4-0 with Councilmember Burrell absent.

Mayor Williams asked for comments from the public or the press. There being no comments from either, Councilmember Lynch made a motion to adjourn the meeting and the meeting ended at 10:00 p.m.

Respectfully submitted

  
Sharon Timmons  
Administrative Assistant



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Laura Allen

## PROCLAMATION 2013-20

### A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND PROCLAIMING NOVEMBER TO BE MUNICIPAL GOVERNMENT WORKS MONTH.

The Mayor and Council of the Town of Berlin does hereby proclaim  
November to be Municipal Government Works Month.

**WHEREAS**, the Town of Berlin was incorporated in 1868; and

**WHEREAS**, Maryland is home to 156 other municipalities; and

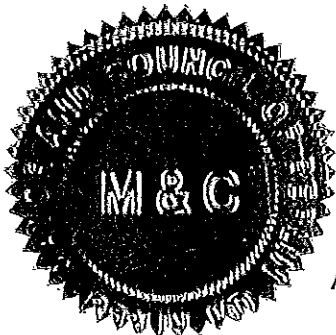
**WHEREAS**, municipal government represents the most responsive level of  
government, allowing citizens to have direct access to elected officials; and

**WHEREAS**, in an effort to educate citizens about municipal government and  
the importance of their participation, the Town of Berlin is proud to promote  
municipal government awareness; and

**WHEREAS**, municipalities have enhanced the quality of life for their  
respective residents maintaining natural and historic sites and structures and  
helping to make Maryland a great place to live, work, play and explore.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Mayor and Council of the  
Town of Berlin, Maryland hereby joins the Maryland Municipal League in  
declaring November to be Municipal Government Works Month in the Town  
of Berlin.

**WITNESS MY HAND AND SEAL, THIS 28<sup>TH</sup> DAY OF OCTOBER, 2013.**



\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

\_\_\_\_\_  
Elroy Brittingham, Sr.  
Vice President

ATTEST: \_\_\_\_\_  
Laura Allen  
Town Administrator



ORDINANCE 2013-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF  
BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING  
CHAPTER 12, ELECTIONS

Be it resolved by the Mayor and Council of the Town of Berlin that Chapter 12, Article III, Division 2, Section 130 §(7) be amended as follows:

Sec. 12-130. - Absentee voting.

- (7) Any absentee ballot showing a vote for a person who is ~~[no longer]~~not a valid candidate for any reason will not be counted for that candidate, but such vote will not invalidate the remainder of the ballot.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr., Vice-President

Approved and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

\_\_\_\_\_  
ATTEST: Laura Allen, Town Administrator

- (7) Any absentee ballot showing a vote for a person who is not a valid candidate for any reason will not be counted for that candidate, but such vote will not invalidate the remainder of the ballot.

RESOLUTION NO. 2013-09

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE VI, SECTION 9, TITLED "ELECTION OF MAYOR AND COUNCILMEMBERS".

WHEREAS §C6-9 of the Town Charter, titled "Election of Mayor and Councilmembers" sets forth the general manner in which an election is conducted for the offices of mayor or councilmember; and

WHEREAS the Mayor and Council wish to amend §C6-9.B to adjust the recurring day on which regular elections occur; and

WHEREAS the Mayor and Council wish to amend §C6-9 to add §C to allow for the cancellation of an Election under certain specific circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C6 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C6-9. - Election of Mayor and Councilmembers.

B. <sup>i</sup>On the ~~[second]~~<sup>first</sup> Tuesday in October of every second even-numbered year accounting from ~~[1988]~~2014, the registered voters of the town shall elect one (1) person as councilmember at-large. The registered voters in District One shall elect one (1) person as councilmember from District One, which said person shall reside in District One; and the registered voters from District Four shall elect one (1) person as councilmember from District Four, which said person shall reside in District Four. ~~[as mayor. The registered voters in District Two shall elect one (1) person as councilmember from District Two, which said councilmember shall reside in said district, and the registered voters in District Three shall elect one (1) person as councilmember of District Three, which said person shall reside in District Three.]~~ All persons so elected shall serve for terms of four (4) years from said election. On the ~~[second]~~<sup>first</sup> Tuesday in October of every second even-numbered year accounting from the year ~~[1986]~~2016, the registered voters of the town shall elect one (1) person as mayor. The registered voters in District Two shall elect one (1) person as councilmember from District Two, which said person shall reside in District Two, and the registered voters in District Three shall elect one (1) person as councilmember of District Three, which said person shall reside in District Three. ~~[as councilmember at-large. The registered voters in District One shall elect one (1) person as councilmember from District One, which said person shall reside in District One; and the registered voters from District Four shall elect one (1) person as~~

councilmember from District Four, which said person shall be a resident of District Four.] All persons so elected shall serve for terms of four (4) years from the date of said election.

C. In the event that only one individual files for candidacy for the office of mayor, the councilmember at-large, or the councilmember of a specific district, up to the deadline for write-in candidates' filing, that individual shall be considered to be the successful candidate for the applicable office and the scheduled Election for that office shall be cancelled. If the Election for one office is cancelled under this provision, the remainder of the ballot, if applicable, shall not be affected and the election for the office remaining on the ballot shall not be cancelled.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the \_\_\_\_ day of \_\_\_\_\_, 2013 and is to become effective fifty (50) days from passage on \_\_\_\_ day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Laura Allen, Town Administrator

\_\_\_\_\_  
Elroy Brittingham, Sr. - Vice President

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

- B. On the first Tuesday in October of every second even-numbered year accounting from 2014, the registered voters of the town shall elect one (1) person as councilmember at-large. The registered voters in District One shall elect one (1) person as councilmember from District One, which said person shall reside in District One; and the registered voters from District Four shall elect one (1) person as councilmember from District Four, which said person shall reside in District Four. All persons so elected shall serve for terms of four (4) years from said election. On the first Tuesday in October of every second even-numbered year accounting from the year 2016, the registered voters of the town shall elect one (1) person as mayor. The registered voters in District Two shall elect one (1) person as councilmember from District Two, which said person shall reside in District Two, and the registered voters in District Three shall elect one (1) person as councilmember of District Three, which said person shall reside in District Three. All persons so elected shall serve for terms of four (4) years from the date of said election.
- C. In the event that only one individual files for candidacy for the office of mayor, the councilmember at-large, or the councilmember of a specific district, up to the deadline for write-in candidates' filing, that individual shall be considered to be the successful candidate for the applicable office and the scheduled Election for that office shall be cancelled. If the Election for one office is cancelled under this provision, the remainder of the ballot, if applicable, shall not be affected and the election for the office remaining on the ballot shall not be cancelled.

RESOLUTION NO. 2013-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE III, TITLED "THE COUNCIL".

WHEREAS §C3 of the Town Charter, titled "The Council" sets forth the language of the Town Charter governing the Council; and

WHEREAS the Mayor and Council wish to amend §C3-1 to adjust the expiration of the terms for Councilmember.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C3-1 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

**Sec. C3-1. - Number; selection; term.**

All legislative powers of the town shall be vested in a council consisting of five (5) councilmembers, ~~three of whom shall be elected every four (4) years, beginning with the year 1962, and two (2) of whom shall be elected every four (4) years, beginning with the year 1964, all as hereinafter provided.]~~ who shall be elected on a schedule as further set forth in this Charter, Article VI, Section 9. Councilmembers shall hold office for terms of four (4) years or until their successors take office. The regular terms of the councilmembers shall expire on the ~~[second]~~ next Monday on which a regularly scheduled meeting is held following the election of their successors. ~~[Councilmen holding office on February 7, 1961, shall continue to hold office for the term for which they were elected or until their successors take office under the provisions of this Charter.]~~

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the \_\_\_\_ day of \_\_\_\_\_, 2013 and is to become effective fifty (50) days from passage on \_\_\_\_ day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Laura Allen, Town Administrator

\_\_\_\_\_  
Elroy Brittingham, Sr. - Vice President

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

All legislative powers of the town shall be vested in a council consisting of five (5) councilmembers, who shall be elected on a schedule as further set forth in this Charter, Article VI, Section 9. Councilmembers shall hold office for terms of four (4) years or until their successors take office. The regular terms of the councilmembers shall expire on the next Monday on which a regularly scheduled meeting is held following the election of their successors.

RESOLUTION NO. 2013-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE III, TITLED "THE COUNCIL".

WHEREAS §C3 of the Town Charter, titled "The Council" sets forth the language of the Town Charter governing the Council; and

WHEREAS the Mayor and Council wish to amend §C3-4 to adjust the expiration of the terms for Councilmembers; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C3 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

**Sec. C3-4. - Meetings.**

The council shall meet at 7:00 p.m. on the ~~[second]~~ next Monday on which a regularly scheduled meeting is held following a municipal election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the town administrator upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The council may meet in closed sessions when permitted to do so under the State Open Meetings Law.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the \_\_\_\_ day of \_\_\_\_\_, 2013 and is to become effective fifty (50) days from passage on \_\_\_\_ day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Laura Allen, Town Administrator

\_\_\_\_\_  
Elroy Brittingham, Sr. - Vice President

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor



The council shall meet at 7:00 p.m. on the next Monday on which a regularly scheduled meeting is held following a municipal election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the town administrator upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The council may meet in closed sessions when permitted to do so under the State Open Meetings Law.

RESOLUTION NO. 2013-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE IV, TITLED "MAYOR".

WHEREAS §C4 of the Town Charter, titled "Mayor" sets forth the language of the Town Charter pertaining to the office of Mayor; and

WHEREAS the Mayor and Council wish to amend §C4-1 to adjust the expiration of the term for mayor.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C4 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

**Sec. C4-1. - Selection and term.**

The mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified. The newly elected mayor shall take office on the ~~[second]~~ next Monday on which a regularly scheduled meeting is held following his election. ~~[The mayor holding office on February 7, 1961, shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.]~~

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the \_\_\_\_ day of \_\_\_\_\_, 2013 and is to become effective fifty (50) days from passage on \_\_\_\_ day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Laura Allen, Town Administrator

\_\_\_\_\_  
Elroy Brittingham, Sr. - Vice President

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

The mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified. The newly elected mayor shall take office on the next Monday on which a regularly scheduled meeting is held following his election.

RESOLUTION NO. 2013-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE VI, SECTION 8, TITLED "NOMINATIONS FOR ELECTIVE OFFICE".

WHEREAS §C6-8 of the Town Charter, titled "Nominations for Elective Office" sets forth the manner in which an individual may file to be placed on the ballot for an election of the offices of mayor or councilmember; and

WHEREAS the Mayor and Council wish to amend §C6-8.1.A and B to adjust the deadline for filing a certificate of nomination; to amend §C6-8.2 to incorporate language for the inclusion of "write-in" nominations in the election; to re-number the remainder of §C6-8 accordingly; and to incorporate language regarding the withdrawal of candidacy and;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C6 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C6-8. - Nominations for elective office.

1. Filing for elective office. Persons wishing to be placed on the ballot for the office of mayor or councilmember must adhere to the following:
  - A. For Town of Berlin regular elections, persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before the close of business no less than twenty-eight (28) days [the second Monday in September next] preceding a town election. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elective public office at any one (1) time.
  - B. For Town of Berlin special elections, persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before the close of business no less than twenty-eight (28) days [the Monday four (4) weeks] preceding the date of the special election.
2. Write-in Candidates. A certificate of nomination for a write-in candidate shall be filed no less than seven (7) days prior to the scheduled election. The name of the write-in candidate shall not appear on the ballot(s) for the election, except as written-in by the voter at the time of casting of the ballot; write-in names of individuals who have not filed the appropriate certificate of nomination shall not be included in the vote tally conducted by the Board of Supervisors of Elections, however the remainder of such ballot shall not be invalidated

2.3. Withdrawal of candidacy. Persons desiring to withdraw their candidacy for elective office must submit, in writing, a request to withdraw and be removed from the ballot no less than seven (7) days prior to the scheduled election. The written request to withdraw shall be submitted to the office of the board of supervisors of elections. Should the request to withdraw be submitted with less than seven (7) days remaining prior to the election, the candidate's name shall not be removed from the ballot, however information shall be provided to voters regarding the withdrawal at the polling place. Votes cast for that individual shall not be included in the vote tally conducted by the Board of Supervisors of Elections, however the remainder of the ballot shall not be invalidated by such vote.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the \_\_\_\_ day of \_\_\_\_\_, 2013 and is to become effective fifty (50) days from passage on \_\_\_\_ day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Laura Allen, Town Administrator

\_\_\_\_\_  
Elroy Brittingham, Sr. - Vice President

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

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3. Withdrawal of candidacy. Persons desiring to withdraw their candidacy for elective office must submit, in writing, a request to withdraw and be removed from the ballot no less than seven (7) days prior to the scheduled election. The written request to withdraw shall be submitted to the office of the board of supervisors of elections. Should the request to withdraw be submitted with less than seven (7) days remaining prior to the election, the candidate's name shall not be removed from the ballot, however information shall be provided to voters regarding the withdrawal at the polling place. Votes cast for that individual shall not be included in the vote tally conducted by the Board of Supervisors of Elections, however the remainder of the ballot shall not be invalidated by such vote.

## ORDINANCE 2013-06

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 20, PARKS

Be it resolved by the Mayor and Council of the Town of Berlin that Chapter 20, Article III, Sections 22-49 and 22-50 be amended as follows:

#### Sec. 22-49. - Rules and regulations.

The rules and regulations for the use of the parks are as set forth herein:

- (1) The washing, waxing, cleaning or repairing of any type of motor vehicle shall be prohibited in the parks; except repairs of an emergency nature.
- (2) The driving or parking of unauthorized motor vehicles in any area of the parks not designated as a parking area or otherwise authorized by the police department of the town shall be prohibited.
- (3) No motor vehicle shall be parked in the parks, whether in the parking areas or otherwise, overnight.
- (4) No mobile home or any other type of structure shall be used for sleeping in the parks, including the parking areas thereof, without permission being obtained from the Mayor and Council.
- (5) No bicycles or other pedal-operated vehicles shall be allowed in the parks except in the parking lots or in areas designated for the riding of said vehicles.
- ~~(3)(6) No animal of any type shall be allowed to occupy the parks of the town except if said animal is on a leash and under the control of the owner or owner's agent.~~
- ~~(4) No bicycles or other pedal-operated vehicles shall be allowed in the parks except in the parking lots or in areas designated for the riding of said vehicles.~~
- ~~(5) No motor vehicle shall be parked in the parks, whether in the parking areas or otherwise, overnight.~~
- ~~(6) No mobile home or any other type of structure shall be used for sleeping in the parks, including the parking areas thereof, without permission being obtained from the Mayor and Council.~~
- (7) No open container of alcoholic beverages shall be possessed in any of the parks.
- (8) The lighted tennis courts and handball courts located in the Stephen Decatur Park shall be permitted to be used after sunset up to and including the hour of 11:00 p.m. upon the prior reservation request's being granted by the police department. Any play on said courts after the hour of 11:00 p.m. and prior to sunrise.
- ~~(8) Any vehicle violating any rules or regulations as herein set forth shall be removed and towed at the expense of the owner and operator.~~
- ~~(9) The lighted tennis courts and handball courts located in the Stephen Decatur Park shall be permitted to be used after sunset up to and including the hour of 11:00 p.m.~~

~~upon the prior reservation request's being granted by the police department. Any play on said courts after the hour of 11:00 p.m. and prior to sunrise.~~

(9) All facilities and equipment shall be used in the manner intended; no other use shall be permitted without the express written permission of the Mayor and Council.

(10) No use of the facilities, equipment, or any area of the parks for any activity in which money is exchanged for goods or services shall be permitted without the express written permission of the Mayor and Council. Such authorized activities shall also be subject to the provisions of chapter 8 of this Code, as applicable.

**Sec. 22-50. – Violations and penalties.**

Any violations of the provisions of this chapter shall be punishable, upon conviction, as a municipal infraction as set forth in article IV of chapter 2 of this Code.

Any vehicle violating any rules or regulations as herein set forth shall be removed and towed at the expense of the owner or operator.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr., Vice-President

Approved and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

\_\_\_\_\_  
ATTEST: Laura Allen, Town Administrator



**TOWN ADMINISTRATOR'S REPORT**  
**October 28, 2013**

**Purchase Orders**

PO# 201400914 in the amount of \$1,165.00 to Envirocorp for testing of monitoring wells at Five Mile Branch spray site. (24-4380-4073)

PO# 201401225 in the amount of \$1,356.00 to Feedwater Treatment Systems for chemicals and freight for Power Plant cooling tower water system. (10-4220-4049)

PO# 201401315 in the amount of \$7,923.75 to Ace Pole Company for 25 utility poles. (10-4230-4092)

PO# 201401115 in the amount of \$1,616.01 to Hill's Electric Motor Service for Emergency repair of lift station located on William Street. (24-4365-4041)

PO# 201401322 in the amount of \$7,533.60 to Maryland Unemployment Insurance fund for unemployment benefits to be reimbursed. (01-4260-4011)

PO# 201401320 in the amount of \$28,912.00 to Joe Basil Chevrolet for 2013 Tahoe for Police department. (01-4200-4092)

PO# 201401087 in the amount of \$11,200.00 to Intercoastal Trading for soda ash. (20-4320-4049)

PO# 201401356 in the amount not to exceed \$1,500.00 to Atlantic Machinery for emergency order for jetter hose for Vac truck. (24-4370-4041)

PO# 201401371 in the amount of \$5,882.50 to Capital Tristate Electrical for quantity of 70 watt cobra head light fixtures. (10-4230-4092)

**Updates**